

E-filed: 9/16/2008

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

RAMBUS INC.,  
  
Plaintiff,  
  
v.

HYNIX SEMICONDUCTOR INC., HYNIX  
SEMICONDUCTOR AMERICA INC.,  
HYNIX SEMICONDUCTOR  
MANUFACTURING AMERICA INC.,  
  
SAMSUNG ELECTRONICS CO., LTD.,  
SAMSUNG ELECTRONICS AMERICA,  
INC., SAMSUNG SEMICONDUCTOR, INC.,  
SAMSUNG AUSTIN SEMICONDUCTOR,  
L.P.,  
  
NANYA TECHNOLOGY CORPORATION,  
NANYA TECHNOLOGY CORPORATION  
U.S.A.,  
  
Defendants.

No. C-05-00334 RMW

STIPULATION AND ORDER DISMISSING  
PORTIONS OF CERTAIN CLAIMS AND  
DEFENSES WITH PREJUDICE

RAMBUS INC.,  
  
Plaintiff,  
  
v.

SAMSUNG ELECTRONICS CO., LTD.,  
SAMSUNG ELECTRONICS AMERICA,  
INC., SAMSUNG SEMICONDUCTOR, INC.,  
SAMSUNG AUSTIN SEMICONDUCTOR,  
L.P.,  
  
Defendants.

No. C-05-02298 RMW

1 A bench trial between Rambus and Samsung on various claims and defenses is scheduled to  
2 begin on September 22, 2008. At a pretrial conference on September 16, 2008, Rambus and  
3 Samsung agreed to drop certain issues from the case with prejudice. Their statements are attached to  
4 this order as Exhibits A (Samsung's pleading) and B (Rambus's responsive pleading).

5 The court accepts the parties' stipulation to narrow the issues in this case. The court orders  
6 that Samsung's claims and defenses based on Rambus's JEDEC conduct, the conduct of Neil  
7 Steinberg, and representations made by Rambus in connection with the 1994 RDRAM technology  
8 and patent licensing agreements are dismissed with prejudice. The court orders that Rambus's  
9 defenses to Samsung's claims – release, laches, statute of limitations, and *Noerr-Pennington* – are  
10 dismissed as moot to the extent those defenses are based on the issues Samsung has agreed to  
11 remove from the case.

12  
13 DATED: 9/16/2008  
14 \_\_\_\_\_



15 RONALD M. WHYTE  
16 United States District Judge  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Notice of this document has been electronically sent to: counsel in 05-00334 & 05-02298.

Counsel for Rambus Inc., all actions		Counsel for Hynix entities, C-00-20905 and C-05-00334	
Burton Alexander Gross	Burton.Gross@mto.com	Allen Ruby	ruby@allenrubylaw.com
Carolyn Hoecker Luedtke	carolyn.luedtke@mto.com	Belinda Martinez Vega	bvega@omm.com
Catherine Rajwani	crajwani@sidley.com	Daniel J. Furniss	djfurniss@townsend.com
Craig N. Tolliver	ctolliver@mckoolsmith.com	Geoffrey Hurndall Yost	gyost@thelenreid.com
David C. Yang	david.yang@mto.com	Jordan Trent Jones	jtjones@townsend.com
Douglas A. Cawley	dcawley@mckoolsmith.com	Joseph A. Greco	jagreco@townsend.com
Erin C. Dougherty	erin.dougherty@mto.com	Kenneth Lee Nissly	kennissly@thelenreid.com
Gregory P. Stone	gregory.stone@mto.com	Kenneth Ryan O'Rourke	korourke@omm.com
Jennifer Lynn Polse	jen.polse@mto.com	Patrick Lynch	plynch@omm.com
Keith Rhoderic Dhu Hamilton, II	keith.hamilton@mto.com	Susan Gregory VanKeulen	svankeulen@thelenreid.com
Kelly Max Klaus	kelly.klaus@mto.com	Theodore G. Brown, III	tgbrown@townsend.com
Miriam Kim	Miriam.Kim@mto.com	Tomomi Katherine Harkey	tharkey@thelen.com
Peter A. Detre	detrepa@mto.com	Counsel for Micron entities, C-06-00244	
Pierre J. Hubert	phubert@mckoolsmith.com	Aaron Bennett Craig	aaroncraig@quinnemanuel.com
Rosemarie Theresa Ring	rose.ring@mto.com	David J. Ruderman	davidruderman@quinnemanuel.com
Scott L Cole	scole@mckoolsmith.com	Harold Avrum Barza	halbarza@quinnemanuel.com
Scott W. Hejny	shejny@sidley.com	Jared Bobrow	jared.bobrow@weil.com
Sean Eskovitz	sean.eskovitz@mto.com	John D Beynon	john.beynon@weil.com
Steven McCall Perry	steven.perry@mto.com	Leeron Kalay	leeron.kalay@weil.com
Thomas N Tarnay	ttarnay@sidley.com	Linda Jane Brewer	lindabrewer@quinnemanuel.com
William Hans Baumgartner, Jr	wbaumgartner@sidley.com	Rachael Lynn Ballard McCracken	rachaelmccracken@quinnemanuel.com
		Robert Jason Becher	robertbecher@quinnemanuel.com
		Yonaton M Rosenzweig	yonirosenzweig@quinnemanuel.com

STIPULATION AND ORDER DISMISSING PORTIONS OF CERTAIN CLAIMS AND DEFENSES WITH PREJUDICE  
C-05-00334 RMW; C-05-02298 RMW  
TSF

<b>Counsel for Nanya entities, C-05-00334</b>		<b>Counsel for Samsung entities, C-05-00334 and C-05-02298</b>	
Chester Wren-Ming Day	cday@orrick.com	Ana Elena Kadala	anita.kadala@weil.com
Craig R. Kaufman	ckaufman@orrick.com	Claire Elise Goldstein	claire.goldstein@weil.com
Glenn Michael Levy	glevy@orrick.com	David J. Healey	david.healey@weil.com
Jan Ellen Ellard	jellard@orrick.com	Edward Robert Reines	Edward.Reines@weil.com
Jason Sheffield Angell	jangell@orrick.com	Matthew D. Powers	matthew.powers@weil.com
Kaiwen Tseng	ktseng@orrick.com		
Mark Shean	mshean@orrick.com		
Robert E. Freitas	rfreitas@orrick.com		
Vickie L. Feeman	vfeeman@orrick.com		

<b>Counsel for intervenor, Texas Instruments, Inc., C-05-00334</b>	
Kelli A. Crouch	kcrouch@jonesday.com
<b>Counsel for intervenor, United States Department of Justice, C-00-20905</b>	
Eugene S. Litvinoff	eugene.litvinoff@usdoj.gov
May Lee Heye	may.hey@usdoj.gov
Nathanael M. Cousins	nat.cousins@usdoj.gov
Niall Edmund Lynch	Niall.Lynch@USDOJ.GOV
<b>Counsel for intervenor, Elpida Memory, Inc., C-00-20905 and C-05-00334</b>	
Eric R. Lamison	elamison@kirkland.com
John J. Feldhaus	jfeldhaus@foley.com

Counsel are responsible for distributing copies of this document to co-counsel that have not registered for e-filing under the court's CM/ECF program in each action.

**Dated:** 9/16/2008

TSF  
\_\_\_\_\_  
**Chambers of Judge Whyte**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

# EXHIBIT A

C-05-00334-RMW  
C-05-02298-RMW

Defendants Samsung Electronics Co., Ltd., Samsung Electronics America, Inc., Samsung Semiconductor, Inc. and Samsung Austin Semiconductor LP (collectively, "Samsung") hereby dismiss, with prejudice, those portions of its claims under Cal. Bus. & Prof. Code section 17200 (count VII), for declaratory relief of unenforceability (count X) and related defenses of estoppel, equitable estoppel and implied license to the extent based on (1) Rambus' JEDEC conduct, (2) the conduct of Neil Steinberg (to the extent not already dismissed by the Court in its August 11, 2008 summary judgment order) and (3) representations made by Rambus in connection with the 1994 RDRAM technology and patent licensing agreements. As to all other asserted bases these claims and defenses are not dismissed and will be tried.

MDP

as amended.

9/16/08



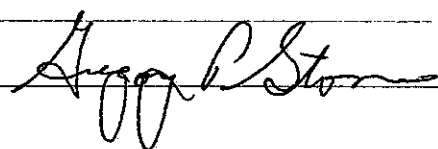
Matthew D. Powers  
Counsel for Samsung

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

# EXHIBIT B

STIPULATION AND ORDER DISMISSING PORTIONS OF CERTAIN CLAIMS AND DEFENSES WITH PREJUDICE  
C-05-00334 RMW; C-05-02298 RMW  
TSF

In response to the dismissal with prejudice  
by the Samsung ~~and~~ parties of Counts VII and X  
to the extent based on allegations related to  
JEDEC, RDRAM licensing and/or Neil Steinberg,  
Rambus dismisses as moot its affirmative defenses  
of release, laches, statute of limitations, and  
Noerr-Pennington as and to the extent they  
were addressed to the portions of Samsung's  
Counts ~~IV~~ VII and X described above. These  
defenses, as asserted against other portions  
of Counts VII and X and other of Samsung's  
claims are not dismissed and will be tried.



Attorney For Rambus Inc.